

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION : Case No. 07-MD-1902 (JSR)
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This Document Relates To:

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KENNETH M. KRYS, *et al.*, :
Plaintiffs, : Case No. 08-cv-3065 (JSR)
: Case No. 08-cv-3086 (JSR)
:
-vs.- :
:
CHRISTOPHER SUGRUE, *et al.*, :
:
Defendants. :
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**REPLY DECLARATION OF MASON C. SIMPSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON
THIS ISSUE OF PRIMARY VIOLATION OF FRAUD BY REFCO**

Mason C. Simpson declares as follows:

1. I am a member of the law firm Brown Rudnick LLP, co-counsel, with Beus Gilbert PLLC, for plaintiffs Kenneth M. Krys, *et al.* ("Plaintiffs") in the above-captioned actions. I am admitted to practice before this Court. I respectfully submit this declaration in support of the Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Partial Summary Judgment on the Issue of the Primary Violation of Fraud by Refco.

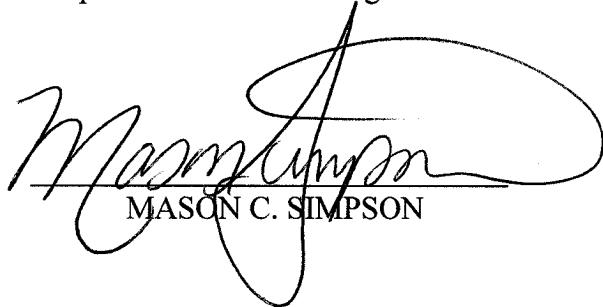
2. Attached hereto as Exhibit 1 is a true and correct copy of Grant Thornton LLP's letter to Refco's Board and Audit Committee, dated Oct 16, 2005, and Bates-stamped GT P 0000150 through GT P 0000151.

3. Attached hereto as Exhibit 2 are true and correct copies of excerpts of the depositions of Santo Maggio on December 14, 2009 and December 15, 2009.

4. Attached hereto as Exhibit 3 are true and correct copies of excerpts of the deposition of Helmut Kahler on December 2, 2009.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Grant Thornton Evaluation of Proposed Client: Refco Group Ltd., LLC, dated December 16, 2002, and Bates-stamped GT 0034922 through GT 0034939.

6. Attached hereto as Exhibit 5 is a true and correct copy of Refco, LLC Security Future and Narrow-Based Index Addendum, Bates-stamped RA 012084 through RA 0012121. Executed on February 1, 2013.



MASON C. SIMPSON

A handwritten signature in black ink, appearing to read "Mason Simpson". Below the signature, the name "MASON C. SIMPSON" is printed in a standard font.